

Effective 3/29/2014

Superseded 5/12/2015

63G-6a-707 Evaluation of proposals -- Evaluation committee.

- (1) To determine which proposal provides the best value to the procurement unit, the evaluation committee shall evaluate each responsive and responsible proposal that has not been disqualified from consideration under the provisions of this chapter, using the criteria described in the request for proposals, which may include:
 - (a) experience;
 - (b) performance ratings;
 - (c) inspection;
 - (d) testing;
 - (e) quality;
 - (f) workmanship;
 - (g) time, manner, or schedule of delivery;
 - (h) references;
 - (i) financial solvency;
 - (j) suitability for a particular purpose;
 - (k) management plans;
 - (l) cost; or
 - (m) other subjective or objective criteria specified in the request for proposals.
- (2) Criteria not described in the request for proposals may not be used to evaluate a proposal.
- (3) The conducting procurement unit shall:
 - (a) appoint an evaluation committee consisting of at least three individuals; and
 - (b) ensure that the evaluation committee and each member of the evaluation committee:
 - (i) does not have a conflict of interest with any of the offerors;
 - (ii) can fairly evaluate each proposal;
 - (iii) does not contact or communicate with an offeror concerning the procurement outside the official evaluation committee process; and
 - (iv) conducts the evaluation in a manner that ensures a fair and competitive process and avoids the appearance of impropriety.
- (4) The evaluation committee may, with the approval of the head of the conducting procurement unit, enter into discussions or conduct interviews with, or attend presentations by, the offerors.
- (5)
 - (a) Except as provided in Subsections (5)(b) and (8), each member of the evaluation committee is prohibited from knowing, or having access to, any information relating to the cost, or the scoring of the cost, of a proposal until after the evaluation committee submits its final recommended scores on all other criteria to the issuing procurement unit.
 - (b) The issuing procurement unit shall:
 - (i) if applicable, assign an individual who is not a member of the evaluation committee to calculate scores for cost based on the applicable scoring formula, weighting, and other scoring procedures contained in the request for proposals;
 - (ii) review the evaluation committee's scores and correct any errors, scoring inconsistencies, and reported noncompliance with this chapter;
 - (iii) add the scores calculated for cost, if applicable, to the evaluation committee's final recommended scores on criteria other than cost to derive the total combined score for each responsive and responsible proposal; and

- (iv) provide to the evaluation committee the total combined score calculated for each responsive and responsible proposal, including any applicable cost formula, weighting, and scoring procedures used to calculate the total combined scores.
- (c) The evaluation committee may not:
 - (i) change its final recommended scores described in Subsection (5)(a) after the evaluation committee has submitted those scores to the issuing procurement unit; or
 - (ii) change cost scores calculated by the issuing procurement unit.
- (6)
 - (a) As used in this Subsection (6), "management fee" includes only the following fees of the construction manager/general contractor:
 - (i) preconstruction phase services;
 - (ii) monthly supervision fees for the construction phase; and
 - (iii) overhead and profit for the construction phase.
 - (b) When selecting a construction manager/general contractor for a construction project, the evaluation committee:
 - (i) may score a construction manager/general contractor based upon criteria contained in the solicitation, including qualifications, performance ratings, references, management plan, certifications, and other project specific criteria described in the solicitation;
 - (ii) may, as described in the solicitation, weight and score the management fee as a fixed rate or as a fixed percentage of the estimated contract value;
 - (iii) may, at any time after the opening of the responses to the request for proposals, have access to, and consider, the management fee proposed by the offerors; and
 - (iv) except as provided in Subsection (7), may not know or have access to any other information relating to the cost of construction submitted by the offerors, until after the evaluation committee submits its final recommended scores on all other criteria to the issuing procurement unit.
- (7)
 - (a) The deliberations of an evaluation committee may be held in private.
 - (b) If the evaluation committee is a public body, as defined in Section 52-4-103, the evaluation committee shall comply with Section 52-4-205 in closing a meeting for its deliberations.
- (8) An issuing procurement unit is not required to comply with Subsection (5) if the head of the issuing procurement unit or a person designated by rule made by the applicable rulemaking authority:
 - (a) signs a written statement:
 - (i) indicating that, due to the nature of the proposal or other circumstances, it is in the best interest of the procurement unit to waive compliance with Subsection (5); and
 - (ii) describing the nature of the proposal and the other circumstances relied upon to waive compliance with Subsection (5); and
 - (b) makes the written statement available to the public, upon request.